

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

IN LINE OF DUTY COMMITTEE

March 21, 2023

The Metropolitan Employee Benefit Board's In Line of Duty Committee met on Tuesday, March 21, 2023 in the Sonny West Conference Room, Howard Office Building, 700 2nd Avenue South, Nashville, Tennessee at approximately 10:15 a.m.

Committee Members present: Chair: Jonathan Puckett; Vice-Chair: Christine Bradley; Members: G. Thomas Curtis and Edna Jones. Alternate: Shannon B. Hall.

Others present: Christina Hickey, Metro Human Resources, Nicki Eke and Courtney Mohan, Attorneys, Metro Legal Department, Vickie Hampton and Kimberly Jordan, Davies, and Dr. Kenton Dodd, Civil Service Medical Examiner.

Election of Committee Chair and Vice-Chair.

At this time, Christina Hickey opened the floor to nominations for Committee Chair and Vice-Chair.

Christine Bradley nominated Jonathan Puckett for Committee Chair. Edna Jones seconded.

Edna Jones nominated Christine Bradley for Vice Chair. Jonathan Puckett seconded.

A vote was taken on the nominations for Chair and Vice-Chair and the Committee approved without objection.

Christina Hickey noted that item 3 has been approved by Davies and item 4 has withdrawn.

The Human Resources staff submitted the following for the Committee's consideration and appropriate action:

1. In line of duty medical care appeal - Pensioner from the Fire Department.

Kim Jordan and Vickie Hampton, Davies, were present.

Kim Jordan reviewed the claim with the Committee. She stated this item was deferred from the October 17, 2022 meeting pending receipt of the hearing loss studies from the Fire Department. She stated they were sent to Dr. Dodd for review and after review he maintained his position that it did not change his recommendation.

The pensioner was present and addressed the Committee regarding the claim. He stated that according to OSHA hearing loss is a presumptive illness. He discussed his career with the Fire Department and riding in the engines, there being no hearing abatement program and protective equipment.

There was some discussion of whether or not this presumption or statute exists.

Nicki Eke, Legal Department, stated that there is no presumption law for hearing loss. She stated there is one for heart hypertension lung cancer, hepatitis C, HIV, and COVID, or infectious diseases as defined in the statute if certain criteria are met. She stated she is not aware of any presumption law that applies to Metro that is for hearing loss.

The pensioner stated that the OSHA and TOSHA regulations state that all occupational illnesses and exposures should be considered presumptive for hearing and occupational exposure to infectious diseases.

1. In line of duty medical care appeal - Pensioner from the Fire Department. (continued)

Nicki Eke stated that for the Metro IOD program there is no hearing presumption that applies.

After some discussion of any claims that have been approved for hearing loss, Edna Jones moved for approval of the claim. Jonathan Puckett seconded, and the motion failed with a tie vote with Edna Jones and Jonathan Puckett in favor and Tom Curtis and Christine Bradley opposed.

Christina Hickey stated this item will go to the April Board meeting without a recommendation for the whole Board to hear and make a decision.

It was noted that the Legal Department will look into regulations the pensioner is referencing.

2. In line of duty medical care appeal - Pensioner from the Police Department.

Kim Jordan reviewed the claim with the Committee. She stated this item was deferred from the October 17, 2022 meeting pending receipt of additional information. She stated the additional information was sent to Dr. Dodd for review and after review he stated the additional information did not change his recommendation and it is not work related.

The pensioner's spouse, Christi Sawyers, was present and spoke on his behalf.

After some discussion regarding noise studies conducted by the Police Department and the level of hearing exposures, Christine Bradley moved to uphold the denial of the claim. Edna Jones seconded, and the Committee approved with Jonathan Puckett opposed.

Christina Hickey stated this item will go to the April Board meeting for a final decision.

3. Previous denial reversed to approve in line of duty medical care appeal - Employee from Nashville Department of Transportation, (NDOT).

The employee was present.

Kim Jordan stated this item was deferred from the October 17, 2022 meeting to get additional medical records. She stated that the employee provided those records and Davies has approved the claim based on the 201 Form.

4. In line of duty medical care appeal - Employee from the Fire Department.

This item was withdrawn.

5. In line of duty medical care appeal - Pensioner from the Fire Department.

Danny Yates, Fire Union representative was present and requested a deferral on behalf of the pensioner's attorney.

Edna Jones moved to defer this item to the next IOD Committee meeting. Jonathan Puckett seconded, and the Committee approved without objection.

With nothing further presented the meeting was adjourned at 10:44 a.m.

ATTEST:

APPROVED:

**Shannon B. Hall, Director
Human Resources**

**Jonathan Puckett, Chair
In Line of Duty Committee**